

REMARKS

Claims

Claims 1, 10, 19 and 28 have been amended. The amended claims more clearly define the invention for which protection is sought.

Claim Rejections - 35 U.S.C. 102

The examiner has rejected claims 1-6, 10-15, 19-24, 28 and 30 under 35 U.S.C. 102 as being anticipated by Norfleet (U.S. patent no. 6,418,929).

Claims 1, 10, 19 and 28 have been amended to further clarify that the strap (10) has only one side strap (18) extending from each junction (16). Further, the claims are amended to clarify that there is only one attachment point (20) on each side of the oxygen mask (22). These features are not shown or mentioned in Norfleet.

Norfleet teaches an oxygen mask in which two straps extend from each junction and in which there are two attachment points on the oxygen mask. This can be seen in Figures 3 and 4, where two straps (72) and (74) extend from the junction (75), and the oxygen mask has two tabs (60) on each side. This is affirmed in column 4, which states at line 28:

The first pair of the forward straps 66 includes an upper strap 72 and a lower strap 74. Each of the upper strap 72 and the lower strap 74 has an end joined to the loop 70 at a first juncture 75 such that the upper and lower straps 72 and 74 extend from the loop 70 in a diverging relationship whereby the diverged ends of the upper and lower straps 72 and 74 are connectable to the corresponding tab 60 of the face mask 42 by threading the ends of the upper and lower straps 72 and 74 through the slots of tab 60. (emphasis added)

This comment is repeated for the upper and lower straps (76 and 78, respectively), on the other side of the strap, each of which is joined to the second juncture 80 (see lines 39-44) and there are two tabs (60) on the other side of the oxygen mask.

Further, Norfleet teaches against using a single connection point, to connect the mask to the strap. Column 3 beginning at line 35, has a discussion of the prior art masks which attach at only one point on each side. It is stated that:

Another problem encountered with the use of the strap 16 to hold the face mask 14 against the face of the infant 12 is that the face mask 14 can be easily pivoted about the axis defined by the two points where the strap 16 is attached to the face mask 14 due to the small size of the face mask 14.

The Applicant submits that the added limitations to claims 1, 10, 19 and 28 render these claims novel over Norfleet. As claims 2-6, 11-15, 20-24 and 30 depend either directly or indirectly from claims 1, 10, 19 and 28 the Applicant submits that these claims are likewise novel over Norfleet. Favorable consideration and withdrawal of the rejections to these claims under 35 U.S.C. 102 is respectfully requested.

Claim Rejections – 35 U.S.C. 103

Norfleet and Darrow

The Examiner has rejected claims 7, 16, 25 and 29 as being unpatentable over Norfleet in view of Darrow (U.S. patent no. 1,323,217), because Darrow discloses a transverse element (crown strap).

The limitations added to claims 1, 10, 19 and 28 by the amendments herein are incorporated into these claims. Therefore, the Applicant submits that in view of these added limitations, the rejection is no longer relevant. Favorable consideration and withdrawal of the rejections to these claims under 35 U.S.C. 103 is respectfully requested.

Norfleet and Darrow and Cruickshank

The Examiner has rejected claims 8, 9, 17, 18, 26, 27 and 31 as being unpatentable over Norfleet in view of Darrow and Cruickshank (U.K. application no. 2,212,725), because Darrow discloses a transverse element (crown strap) and Cruickshank

discloses a transverse element (crown strap) that comprises a resilient (elastic) material.

The limitations added to claims 1, 10, 19 and 28 by the amendments herein are incorporated into these claims. Therefore, the Applicant submits that in view of these added limitations, the rejection is no longer relevant. Favorable consideration and withdrawal of the rejections to these claims under 35 U.S.C. 103 is respectfully requested.

Conclusions

In light of the arguments presented by Applicant herein, the Applicant submits that the claims are in a condition for allowance. Applicant respectfully requests that the Examiner withdraw all rejections with regard to the claims in reliance on one or more of the grounds submitted by the applicant.

Respectfully submitted,



Susan L. Rancourt, Reg. No. 56,016

BENNETT JONES LLP
4500 Bankers Hall East
855 - 2nd Street SW
Calgary, Alberta
CANADA T2P 4K7
(403) 298-3051

Date: April 11, 2005